

[Counsel set forth on signature page]

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

IN RE FLASH MEMORY ANTITRUST
LITIGATION

No. C07-00086 SBA

**STIPULATION AND [PROPOSED]
ORDER FOR DISMISSAL WITH
PREJUDICE AS TO TOSHIBA
CORPORATION AND TOSHIBA
AMERICA ELECTRONIC
COMPONENTS, INC. PURSUANT TO
FED. R. CIV. PROC. 41(a)(2)**

This document Relates to:

ALL INDIRECT PURCHASER ACTIONS

Pursuant to Rule 41(a)(2) of the Federal Rules of Civil Procedure, Plaintiffs Keith Alderman, Peter Burke, James Burt, California Coast Investigative Services, Anthony Cardinale, Michael Chek, Alva Dee Cravens, Peter DeChristopher, Donna Fahner, Eric Ferguson, Donna Jeanne Flanagan, Ina Fryer, Stuart Go, Sandra Green, Dan Harrison, Thomas Y. Huh, James Knowles, Fred W. Krahmer, Harold Moore, Martha Mulvey, Joanne Myles, Thomas Nigro, Carman Pellitteri, Travis Richardson, Richard Chris Rippel, Ryan Skorstad, Lynn Sweatman, and Joseph Theisen, (collectively “Indirect-Purchaser Plaintiffs”) and defendants Toshiba Corporation (“Toshiba Corp.”) and Toshiba America Electronic Components, Inc. (“TAEC”) (with Indirect-Purchaser Plaintiffs, Toshiba Corp. and TAEC as, collectively, “The Stipulating Parties”) by and through their counsel hereby stipulate as follows:

1. On May 1, 2009, the Indirect-Purchaser Plaintiffs filed a First Amended Consolidated Class Action Complaint against Toshiba Corp. and TAEC in the above-entitled action.¹

2. The Stipulating Parties have reached a confidential settlement of all claims asserted by Plaintiffs against Toshiba Corp. and TAEC in the above-entitled action, in which Toshiba Corp. and TAEC have denied any liability or wrongdoing.

3. In furtherance of the confidential settlement, the Stipulating Parties agree that all claims asserted by Plaintiffs against Toshiba Corp. and TAEC in the above-entitled action shall be dismissed with prejudice, with Plaintiffs and Toshiba Corp. and TAEC each bearing their own costs and attorneys’ fees and Toshiba Corp. and TAEC shall no longer be parties in this action.²

¹ Plaintiffs Keith Alderman, James Knowles, Fred W. Krahmer, Carman Pellitteri, Ryan Skorstad, and Lynn Sweatman, had previously filed complaints against Toshiba but were not included as named plaintiffs in the First Consolidated Class Action Complaint.

² The confidential settlement also includes the following plaintiffs, who dismissed their claims with prejudice as to all defendants on April 25, 2012 (Dkt. 764): Jacob Greenwell, Sarah Hecht, Jean McClellan-Chambers, Jamac Enterprises, Robin McEntee, Trong Nguyen, Jason Perkins, Travis Weibe, Joshua Steele, Benjamin Northway, Lindsey Morgan, Kelly Fahner, George Davis, Andrew Kindt, Tristen Woods, and Jai Paguirigan.

1 IT IS SO STIPULATED.

2
3 DATED: August 29, 2012.

COTCHETT, PITRE & McCARTHY, LLP

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5 By: /s/ Steven N. Williams
Steven N. Williams

6 *Co-Lead Counsel for Indirect Purchaser*
7 *Plaintiffs*

8 DATED: August 29, 2012.

ZELLE HOFMANN
VOELBEL & MASON LLP

9
10 By: /s/ Christopher T. Micheletti
Christopher T. Micheletti

11 *Co-Lead Counsel for Indirect Purchaser*
12 *Plaintiffs*

13 DATED: August 29, 2012.

LATHAM & WATKINS

14
15 By: /s/ Belinda Lee
Belinda Lee

16 *Counsel for Defendants Toshiba*
17 *Corporation and Toshiba America*
18 *Electronic Components, Inc.*

19
20 **ATTESTATION PURSUANT TO GENERAL ORDER 45**

21 Pursuant to General Order No. 45, § X(B), regarding signatures, I attest that the
22 concurrence in the filing of this document has been obtained from its signatories.
23

24 Dated: August 29, 2012

By: /s/ Steven N. Williams
Steven N. Williams

[PROPOSED] ORDER


For the reasons set forth in the above stipulation, and good cause appearing therefore, it is hereby ORDERED as follows:

1. All claims asserted by Plaintiffs against Toshiba Corporation (“Toshiba Corp.”) and Toshiba America Electronic Components, Inc. (“TAEC”) in the above-entitled action or any of its associated actions are hereby DISMISSED WITH PREJUDICE, with Plaintiffs and Toshiba Corp. and TAEC each bearing their own costs and attorneys’ fees.

2. Toshiba Corp. and TAEC shall no longer be parties in this action.

IT IS SO ORDERED.

DATED: 8/30/12


Saundra Brown Armstrong
United States District Judge